

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,)	
)	Case No.
Plaintiff,)	
)	
v.)	
)	
TONY W. SHORT,)	
)	
Defendant.)	

COMPLAINT FOR FEDERAL TAXES

Plaintiff, the United States of America, at the request and with the authorization of the Chief Counsel of the Internal Revenue Service, a delegate of the Secretary of the Treasury, and at the direction of the Attorney General of the United States, for its complaint against Defendant, Tony W. Short, alleges as follows:

1. This is a civil action in which the United States seeks to (1) reduce federal tax assessments made against Defendant, Tony W. Short (“the Taxpayer”) to judgment and (2) enforce and foreclose the corresponding federal tax liens against certain parcels of real property owned by the Taxpayer and located in Gold Hill, North Carolina.

JURISDICTION & VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1340, 1345, and 26 U.S.C. §§ 7402 and 7403.

3. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1396.

PARTIES

4. Plaintiff is the United States of America.
5. The Taxpayer resides within the jurisdiction of this Court.

COUNT I: INCOME TAXES

6. The allegations of paragraphs 1 through 5, inclusive, are realleged and incorporated by reference in this count as though fully set forth herein.

7. The Commissioner of Internal Revenue assessed taxes, penalties, and interest against the Taxpayer as set forth below:

Assessment Type	Tax Period	Assessment Date	Tax Assessment Amount	Amount Due (as of April 8, 2013)
Income Tax	1998	September 15, 2003	\$99,622	\$168,902
Income Tax	1999	September 15, 2003	\$61,898	\$198,819
Income Tax	2000	September 15, 2003	\$143,375	\$487,474
Income Tax	2002	October 20, 2003	\$129,308	\$281,515
TOTAL DUE				\$1,136,710

8. Penalties, statutory additions, interest, and costs have accrued on the tax liabilities since the dates of the assessments and will continue to accrue until paid in full.

9. Notices and demands for payment of the assessments were made on the Taxpayer in accordance with 26 U.S.C. § 6303.

10. Despite such notice and demand, the Taxpayer has failed, refused, and neglected to pay the liabilities in full and the unpaid liabilities remain due and owing.

11. On September 11, 2006, Taxpayer entered into an installment agreement for payment of the 1998, 1999, and 2000 income tax liabilities.

12. The Taxpayer made some payments toward the 1998, 1999, and 2000 tax liabilities during 2006 and 2007, as well as one payment in 2008, but did not make all payments in full and on time as required under installment agreement.

13. On December 10, 2007, the Internal Revenue Service sent Taxpayer a notice of default.

14. The Taxpayer remains liable to the United States for the unpaid assessed amounts, plus statutory additions, interest, and costs until paid in full.

COUNT II: FORECLOSURE

15. The allegations of paragraphs 1 through 14, inclusive, are realleged and incorporated by reference in this count as though fully set forth herein.

16. The three parcels of real property that are the subject of this action, and upon which the United States seeks to enforce and foreclose its liens, are adjoining properties and located at 5450 Gold Hill Road, 5550 Gold Hill Road, and 5560 Gold Hill Road, all within Gold Hill, Cabarrus County, North Carolina, and the legal description of the properties is stated on Exhibit 1 submitted with this complaint.

17. The Taxpayer acquired his interest in the three parcels of real property described above, by purchasing the property on June 22, 1999.

18. As a result of the assessments referred to in Count I, above, federal tax liens arose and attached to all property and rights to property of the Taxpayer, including the real property described, above.

19. As a result of the tax assessments described in Count I, above, the United States holds valid and subsisting tax liens which encumber the real property described above.

20. The United States recorded Notices of Federal Tax Liens with respect to the assessments described in Count I, above, in Cabarrus County, N.C. The Notices of Federal Tax Lien were refiled on March 25, 2013.

21. The Court should order that the federal tax liens be enforced and foreclosed on the Taxpayer's property and rights to property, including the property described above, by ordering the sale of the real property, with the sale proceeds be distributed to the United States for application to the Taxpayer's unpaid income taxes, penalties, and interest due for 1998, 1999, 2000, and 2002.

WHEREFORE, the United States of America prays that this Court:

A. As to Count I, enter judgment in favor of the United States and against Defendant Tony W. Short, for the unpaid federal income taxes, penalties, statutory additions, interest, and costs for the years 1998, 1999, 2000, and 2002, in the amount of \$1,136,710, as of April 8, 2013, plus statutory additions to tax and interest according to law after that date until paid;

B. As to Count II, order and adjudge that the United States has valid and subsisting federal tax liens against the Gold Hill Road properties (identified in Exhibit 1 submitted with this complaint), order that the federal tax liens be enforced and foreclosed by sale of the Gold Hill Road properties, and order that the sale proceeds be distributed to

the United States for application to Tony W. Short's unpaid federal income taxes, penalties, statutory additions, interest, and costs due for 1998, 1999, 2000, and 2002; and

C. Award the United States its costs of prosecuting this action and grant such other and further relief as the Court deems justified and proper.

DATE: October 9, 2013.

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